

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

DAVID JOHNSON,

Plaintiff,

v.

UNKNOWN,

Defendant.

Case No. 1:22-cv-00582-BAM (PC)

ORDER STRIKING UNSIGNED COMPLAINT  
AND REQUIRING PLAINTIFF TO FILE A  
SIGNED COMPLAINT  
(ECF No. 1)

ORDER TO SUBMIT PRISONER APPLICATION  
TO PROCEED *IN FORMA PAUPERIS* OR PAY  
FILING FEE

**FORTY-FIVE (45) DAY DEADLINE**

Plaintiff David Johnson ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983. Plaintiff initiated this action on February 22, 2022 in the United States District Court for the Central District of California. (ECF No. 1.) This action was transferred to the Eastern District of California on May 12, 2022. (ECF No. 4.)

First, Plaintiff has not paid the \$402.00 filing fee or submitted an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Plaintiff must sign and complete the attached form and submit a certified copy of his trust account statement if he wishes for the application to be considered.

Second, the Court is required to screen complaints brought by prisoners seeking relief against a governmental entity and/or against an officer or employee of a governmental entity. 28

1 U.S.C. § 1915A(a). In preparing to screen the complaint, the Court noted that Plaintiff's  
2 complaint lacks any signature. Both the Federal Rules of Civil Procedure and this Court's Local  
3 Rules require that all filed pleadings, motions and papers be signed by at least one attorney of  
4 record or by the party personally if the party is unrepresented. Fed. R. Civ. P. 11(a); Local Rule  
5 131(b). As Plaintiff's complaint is unsigned, the Court must strike it from the record. Plaintiff  
6 will be permitted an opportunity to file a signed complaint that complies with the Federal Rules  
7 of Civil Procedure and the Local Rules.

8 Based on the foregoing, it is HEREBY ORDERED that:

- 9 1. The Clerk of the Court is directed to serve this order and a blank *in forma pauperis*  
10 application for a prisoner on Plaintiff;
- 11 2. Within **forty-five (45) days** from the date of service of this order, Plaintiff SHALL  
12 file the attached application to proceed *in forma pauperis*, completed and signed,  
13 including a certified copy of his trust account statement for the past six months, or in  
14 the alternative, pay the \$402.00 filing fee for this action;
- 15 3. Plaintiff's complaint, filed February 22, 2022, (ECF No. 1), is STRICKEN from the  
16 record for lack of signature;
- 17 4. The Clerk of the Court is directed to send to Plaintiff a civil rights complaint form;
- 18 5. Within **forty-five (45) days** from the date of service of this order, Plaintiff SHALL  
19 file a signed complaint, **not to exceed 25 pages in length**, or a notice of voluntary  
20 dismissal; and
- 21 6. **Plaintiff is warned that the failure to comply with this order will result in**  
22 **dismissal of this action, without prejudice.**

23  
24 IT IS SO ORDERED.

25 Dated: May 17, 2022

26 /s/ Barbara A. McAuliffe  
27 UNITED STATES MAGISTRATE JUDGE  
28